



IT IS ORDERED as set forth below:

Date: January 5, 2022

Sage M. Sigler
U.S. Bankruptcy Court Judge

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:

BARBARA JENNINGS,
Debtor.

U.S. BANK NATIONAL ASSOCIATION, AS
SUCCESSOR IN INTEREST TO BANK OF
AMERICA NATIONAL ASSOCIATION,
SUCCESSOR BY MERGER TO LASALLE
BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR GSAMP TRUST 2006-HE3,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-HE3,

Movant,

v.

BARBARA JENNINGS, Debtor
K. EDWARD SAFIR, Trustee,
Respondents.

CASE NO. 19-53917-sms

CHAPTER: 13

JUDGE: HONORABLE SAGE M.
SIGLER

CONTESTED MATTER

CONSENT ORDER ON MOTION FOR RELIEF FROM STAY (#43)

The above styled Motion filed September 22, 2021, (Docket No. 43) having been scheduled for a hearing before the Court on November 16, 2021, upon Notice of Assignment of Hearing to each of the above-captioned parties in interest, and it appearing to the Court that the parties consent hereto:

THE PARTIES AGREE that the post-petition arrearage through November 1, 2021, totals \$4,645.64, including four (4) payments of \$851.91 each at (08/01/2021 – 11/01/2021), \$188.00 for a filing fee and \$1,050.00 in reasonable attorney's fees.

This arrearage shall be paid as follows:

Movant acknowledges suspense funds in the amount of \$708.36. The balance of \$3,937.28 is to be paid through the plan. Movant shall be authorized to file a supplemental Post-Petition claim for this amount. Beginning December 1, 2021, Debtor shall resume timely remittance of the regular monthly mortgage payments. Payments should be sent to:

PHH Mortgage Corporation
One Mortgage Way
Mail Stop: SBRP
Mt. Laurel, NJ 08054

or to such address as may be designated.

IT IS HEREBY ORDERED that the Motion for Relief from Stay with respect to 3720 Montrose Pond Walk, Duluth, Georgia 30096 is **DENIED**, as the parties herein agree that the interest of Movant is adequately protected by payment and performance as more particularly set forth hereinafter. It is

FURTHER ORDERED that should Debtor default in payment of any sum specified herein, or in any regular monthly mortgage payments which come due according to Movant's Loan Documents for a period of one (1) year from the date of entry of this order, then upon notice of default sent by first class mail to Debtor, attorney for Debtor and the Trustee, and

failure of Debtor to cure such default within ten (10) days from the date of receipt of such notice, Movant may file a motion and affidavit of default, with service upon Debtor, attorney for Debtor and the Trustee. If no motion to convert case, motion to sell, response disputing the factual allegations of the motion, or response alleging some extraordinary circumstances comparable to those contemplated by Fed. R. Civ. P. 60(b) is filed within twenty (20) days from the date of service of the motion and affidavit of default, the Court may enter an Order lifting the automatic stay, without further notice or hearing. It is

FURTHER ORDERED that in the event relief from the automatic stay is later granted, the Trustee shall cease funding any balance of Movant's claim, and the provisions of Fed. R. Bank. P. 4001(a)(3) may be waived. It is

FURTHER ORDERED that upon completion of any foreclosure sale, any funds in excess of the amount due to Movant and to any subordinate lienholders properly entitled to receive proceeds under applicable State Law that would otherwise be payable to the Debtor, shall be paid to the Trustee for the benefit of the Estate while the Debtor remains in bankruptcy.

[END OF DOCUMENT]

CONSENTED TO BY:

/s/ Evan Durkovic

Evan O. Durkovic, Bar No.: 948332

Attorney for Movant

Aldridge Pite, LLP

Fifteen Piedmont Center 3575 Piedmont

Road, N.E., Suite 500 Atlanta, GA 30305

Phone: (404) 994-7400

Fax: (619) 590-1385

Email: edurkovic@aldridgepite.com

/s/ Brandon Honsalek with express permission
Brandon Honsalek, Bar No. 742962
Attorney for Debtors
P. O. Box 2118
Roswell, GA 30077
Phone: (770) 671-8830
Email: david@gallerlaw.com

NO OPPOSITION:

/s/ Albert C. Guthrie with express permission
Albert C. Guthrie, Bar No. 142399
Attorney for Trustee
Suite 1600
285 Peachtree Center Ave. NE
Atlanta, GA 30303
Phone: (404) 525-1110

DISTRIBUTION LIST

Barbara Jennings
3720 Montrose Pond Walk
Duluth, GA 30096

David E. Galler
The Galler Law Firm, LLC
P. O. Box 2118
Roswell, GA 30077

K. Edward Safir
Standing Chapter 13 Trustee
Suite 1600
285 Peachtree Center Ave. NE
Atlanta, GA 30303

Aldridge Pite, LLP
Fifteen Piedmont Center
3575 Piedmont Road, N.E.
Suite 500
Atlanta, GA 30305